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PATENT TRADEMARK OFFICE

07/03/01
JC355 U.S. PTO

60744v3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Examining Operations

11002 U.S. PTO
09/898104
07/03/01

Applicant: Zvi Lowey et al.

Prior Application:

Art Unit: 1616

Filed: Herewith

Examiner: S. Dodson

Title: Biomedical Assay Device

Serial No.: 09/535,522

Attorney Docket: 176650-155

Filed: March 24, 2000

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

Application Filing Under 37 CFR 1.53(b)

Dear Sir:

This is a request for filing a (X) CONTINUATION, () DIVISIONAL or () CONTINUATION-IN-PART application under (X) 37 C.F.R. §1.53(b), () 37C.F.R. §1.53(c), or () 37 C.F.R. §1.53(d), of pending prior application Serial No. 09/535,522 filed on March 24, 2000 of Zvi Lowey et al. (Inventors) for: Biomedical Assay Device.

1. (X) Enclosed is a copy of the prior application comprising 51 pages of specification, 2 pages of claims and abstract one page. This is a true copy of a substitute specification filed in the prior application.
2. (X) Applicants are a small entity.

3. (X) The filing fee is calculated as follows:

	Number of			
	Claims filed	Extra Claims	Rate	Fee
Basic Fee			\$355	\$355.00
Total Claims	11 - 20 =	0	x 18 =	0
Indep. Claims	1 - 3 =	0	x 78 =	0
Multiple Dependent claim(s)	0		\$135	<u>0</u>
Total				\$355.00

(X) is paid by check in the amount of \$355.00 enclosed.

4. (X) The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 03-0678. A duplicate copy of this sheet is enclosed.

(x) Any additional filing fees required under 37 C.F.R. §1.16.

() Any patent application processing fees under 37 C.F.R. §1.17.

5. () Cancel claims prior to calculating the fee due in this application.

6. (X) Amend the specification by inserting before the first line the sentence:

--This application is a continuation of application serial No. 09/535,522 filed March 24, 2000 which is a continuation-in-part of application Serial No. 09/095,616 filed June 10, 1998.--

7. () Transfer the drawings from the prior application.

8. () Enter the amendment filed under 37 CFR 1.116 not entered in the prior application.

9. (X) Twelve (12) sheets of formal drawings are enclosed.

10. () Abandon the prior application upon granting a serial number and filing date to this application. A duplicate copy of this sheet is enclosed for filing in the prior application fee.
11. () Priority of application _____ filed on _____ is claimed under 35 U.S.C. §119.
() The certified copy of the priority application has been filed in the prior application Serial No. _____, filed _____.
12. (X) The prior application is assigned of record to Delsys Pharmaceutical Corporation.
13. (X) A copy of the Information Disclosure Statements from the prior application are enclosed. The cited references are respectfully requested to be made of record.
14. () A copy of a Request for Extension of Time to maintain continuity with the time for filing a Notice of Appeal.
15. (X) The power of attorney in the prior application is:
(X) The Power appears in the original papers of the prior application.
() Since the Power does not appear in the original papers, a copy of the Power in the prior application, appointing John G. Gilfillan, III (Reg. No. 22,746), John N. Bain (Reg. No. 18,651), Elliot M. Olstein (Reg. No. 24,025), Raymond J. Lillie (Reg. No. 31,778), Alan J. Grant (Reg. No. 33,389) and William Squire (Reg. No. 25,378) is enclosed. An Associate Power of Attorney to _____, (Reg. No. _____) is also enclosed.
(X) Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

William Squire
Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein
6 Becker Farm Road
Roseland, New Jersey 07068
16. () Enclosed: Assignment to Delsys Pharmaceutical Corporation.

17. () I hereby verify that the attached papers are a true copy of prior application
Serial No. as originally filed
18. (X) Enclosed: Unexecuted Declaration and Power of Attorney.

EXPRESS MAIL CERTIFICATE

Express Mail Label No. EL680648552US

Deposit Date: July 3, 2001

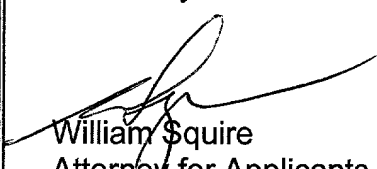
I hereby certify that this paper and the
attachments hereto are being deposited
today with the U.S. Postal Service "Express
Mail Post Office To Addressee" service
under 37 CFR 1.10 on the date indicated
above addressed to:

**Box Patent Application
Commissioner for Patents
Washington, DC 20231**


William Squire

**July 3, 2001
Date**

Respectfully submitted,
Zvi Lowey et al.


William Squire
Attorney for Applicants
Reg. No. 25,378

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